Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for Permit S-52014, Water Right Application S-70937 in the name of Wapanitia Homeowners Association	)))	FINAL ORDER

Permit Information

Application:	S-70937
Permit:	S-52014
Basin:	Lower Willamette / Watermaster District 20
Date of Priority:	November 27, 1990
Source of Water:	an unnamed spring, a tributary of Salmon River
Purpose or Use:	human consumption for 34 households
Maximum Rate/Volume:	0.1 cubic foot per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit S-52014 was issued by the Department on March 18, 1996. The permit specified completion of construction by October 1, 1998, and complete application of water to beneficial use by, October 1, 1999. On March 8, 2023, Wapanitia Homeowners Association submitted an Application for Extension of Time for Permit S-52014. In accordance with OAR 690-315-0050(2), on May 30, 2023, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1998, to October 1, 2033, and the time to apply water to full beneficial use from October 1, 1999, to October 1, 2033. The protest period closed June 14, 2023, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated May 30, 2023.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. **Last Extension Condition**

This will be the last extension of time granted for Permit S-52014. Any future extensions of time request to allow for construction of additional households will be denied. ORS 539.010(5); OAR 690-315-0040.

-OR-

This may be the last extension of time granted for Permit S-52014. Any future extensions of time request may be denied, unless the permit holder can provide the Department with evidence that diligence is shown during this extension period. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2027, and 2032.** ***A form will be enclosed with your Final Order.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application S-70937, Permit S-52014, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1998, to October 1, 2033. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1999, to October 1, 2033.

DATED: July 28, 2023

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503)979-3213.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900